

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)) Criminal No.: 19-10080-NMG
JOHN WILSON, *et al.*,)
Defendants)

**GOVERNMENT'S OPPOSITION TO DEFENDANT
WILSON'S MOTION TO CONTINUE SENTENCING [Dkt. 2493]**

On the afternoon of December 24, 2021, defendant John Wilson moved to continue his sentencing scheduled for February 17, 2022, which was set by the Court more than two months ago. Dkt. 2493. The government respectfully submits this opposition, and requests that if the Court is inclined to change Wilson’s sentencing date at all, it be rescheduled for February 7–11 or 14–16.

On October 8, 2021, defendants John Wilson and Gamal Abdelaziz were convicted on all counts following a four-week trial. Upon their convictions, the Court scheduled the defendants' sentencing for 19 weeks out, with Abdelaziz's on February 16, 2022 and Wilson's on February 17, 2022. Five days later, defendant Abdelaziz moved, with the assent of the government, to reschedule his sentencing one week earlier, to February 9, 2022, due to a scheduling conflict for his counsel. Dkt. 2384. Abdelaziz's motion stated that “[u]ndersigned counsel [] has conferred with the U.S. Probation Officer assigned to this matter [] and she has advised that a February 9, 2022 sentencing date does not pose any timing or logistical problem for her to prepare the Presentence Report.” *Id.* at 1. The Court granted Abdelaziz's motion and rescheduled his sentencing for February 9. Dkt. 2385.

In his motion to continue his February 17 sentencing, Wilson states that the assigned probation officer is on vacation from Thursday, February 17 through Friday, February 25. Dkt. 2493 at 1.¹ The government is on trial in a related case beginning the week of March 7. *See United States v. Vavic*, 19-cr-10081-IT. The government is available—and is aware of no conflict either for Wilson’s counsel² or the assigned probation officer—for sentencing on February 7, 8, 9, 10, 11, 14, 15, or 16. Those proposed dates include the sentencing date of Wilson’s co-defendant Abdelaziz (presumably which the assigned probation officer will attend) and earlier the same week of Wilson’s present sentencing date. Contrary to Wilson’s suggestion that there is insufficient time to address sentencing guidelines issues in preparing the PSR, (i) there remain more than six weeks until sentencing, (ii) there have been no issues in meeting deadlines for the February 9 sentencing of Abdelaziz, and (iii) rescheduling his sentencing to earlier the same week as currently scheduled—potentially a *single day* earlier—obviates the need to alter any PSR-related deadlines.

This case was charged nearly three years ago, and the Court has since become intimately familiar with the facts after resolving countless defense motions, sentencing numerous co-defendants, and presiding over Wilson’s four-week trial. The government respectfully requests prompt sentencing and opposes Wilson’s motion insofar as it seeks a sentencing continuance until March 2022—when the government is on trial—following an early October 2021 conviction. To the extent the Court is inclined to reschedule Wilson’s sentencing at all, the government proposes February 7–11 or 14–16 at the Court’s convenience.

¹ The government was not copied on this scheduling correspondence between counsel for defendant Wilson and the assigned probation officer.

² When counsel for Wilson notified the government of his intent to file his motion to continue, the government reminded counsel of its March 2022 trial and inquired whether counsel was available from February 7–11 or 14–16. Counsel for Wilson did not provide any conflicts on those dates and instead filed the present motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Date: December 26, 2021

/s/ Ian J. Stearns

IAN J. STEARNS
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